

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

RUELL C. TOLLIVER, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00578

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

ORDER

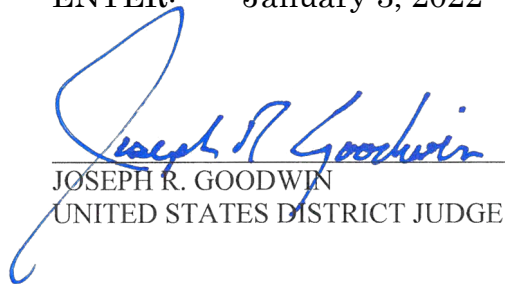
This action was referred to United States Magistrate Judge Cheryl A. Eifert on September 9, 2020, for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On September 8, 2021, Magistrate Judge Eifert submitted her Proposed Findings & Recommendations [ECF No. 25] (“PF&R”) and recommended that I deny Plaintiff’s pending request for judgment on the pleadings, [ECF No. 19]; grant Defendant’s request to affirm the decision of the Commissioner of the Social Security Administration, [ECF No. 21]; and dismiss this action [ECF No. 2] from the court’s docket. Objections to Magistrate Judge Eifert’s PF&R were due no later than September 27, 2021.¹

¹ The docket reflects that the PF&R mailed to Plaintiff was returned as undeliverable on October 4, 2021, but this does not excuse the failure to file objections by the deadline. “A pro se party must advise the clerk promptly of any changes in name, address, and telephone number.” L.R. Civ. P. 83.5.

Neither party timely filed objections to the PF&R nor sought an extension of time. A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court **ADOPTS** and incorporates herein the PF&R and orders judgment consistent therewith. Plaintiff’s request for judgment on the pleadings is **DENIED**, the Commissioner’s request for judgment on the pleadings is **GRANTED**, and her decision in this matter is **AFFIRMED**. I order this case to be **DISMISSED** and **REMOVED** from the docket of the Court. The Clerk is **DIRECTED** to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 3, 2022



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE